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Dec 20 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Marlboro County

Paul M. Burch Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTONIO ANDERSON

APPELLANT

APPELLATE CASE NO. 2023-001257

**MOTION TO FILE THE RECORD ON APPEAL
OUT OF TIME**

Counsel Robert M. Dudek respectfully requests leave under Rule 263(b) in which to file the Record on Appeal in this case out of time. In support of this request, counsel shows:

(1) The Record on Appeal was due to be served and filed with this Court on October 28, 2024.

(2) However, due to administrative error, the Record on Appeal was not timely filed. Upon realizing the error, counsel acted immediately to prepare the Record on Appeal and file it with this Court contemporaneously with this Motion.

(3) Counsel makes this request in good faith and not for purposes of delay.

(4) Opposing counsel, the Attorney General's Office, has graciously consented to this request by way of the thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for motions for extensions or out of time filing up to one month for briefs, returns, petitions, appendices and records on appeal in matters with Appellate Defense through October 31, 2024. That emailed general consent was generated on September 29, 2024.

WHEREFORE, counsel for Appellant respectfully requests the Court accept the Record on Appeal as filed out of time.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion to File the Record on Appeal Out of Time has been served upon Brian H. Gibbs, this 20th day of December, 2024, at the primary e-mail address as listed in the Attorney Information System (AIS).

RMD


Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT